

**OF SHREWSBURY
REPORT OF ANNUAL TOWN MEETING
(ADJOURNED)**

MAY 19, 2005

The meeting was called to order at 7:10 P.M. at the Shrewsbury High School auditorium when the moderator announced a quorum of town meeting members in attendance. The official checklist showed 163 town meeting members present, including members at large.

The moderator led the assembly in the pledge of allegiance to the flag.

Newly elected town meeting members who had not taken the oath at an earlier session of town meeting were sworn to the faithful performance of their duties.

An asterisk indicates articles recommended by the Finance Committee.

Moderator Kevin T. Byrne recused himself from serving as moderator for Article 14.

VOTED to appoint Town Counsel T. Philip Leader as moderator for Article 14.

***Article 14: Accept Parcels of Land
 Ternberry Subdivision**

VOTED UNANIMOUSLY the amended substitute motion as stated to accept certain parcels of land in the Ternberry Subdivision located in the Town of Shrewsbury, County of Worcester, Commonwealth of Massachusetts described as follows:

the land in Shrewsbury, Worcester County, Massachusetts, easterly of North Quinsigamond Avenue, being shown on a plan of land entitled "Ternberry Definitive Plan of land in the Town of Shrewsbury, Massachusetts, for First Shrewsbury Associates by Rizzo Associates, Inc. and Moore Survey and Mapping Corporation dated November 1989 revised through November 8, 1990 containing 12 sheets and approved December 6, 1990." Recorded with the Worcester District Registry of Deeds in Plan Book 645, Plan 3, being the following parcels: "PARCEL A = 7,521.04 S.F." "PARCEL B = 5,559.0 S.F.", "PARCEL C" Area = 19,733.5 S.F.", "Open Area D = 23, 270.1 S.F.", Open Area H = 36,080.3 S.F.", "Open Area I = 389.2 S.F.", "Open Area J = 116,273.3 S.F.", "Open Area K = 39,679.1 S.F.", "Open Area L = 123,320.3 S.F.", "Open Area M = 384,984.4 S.F.", including herein PARCEL A, as shown on a Plan recorded in Plan Book 749, Plan 34, but excepting PARCEL B as shown on Plan Book 749, Plan 34; "Open Area N = 351,441.0 S.F.", Open Area O = 510,593.1 S.F.", and "Open Area P = 137,080.5 S.F.", including herein PARCEL B on a Plan recorded in Plan Book 738, Plan 120, but excepting PARCEL A as shown on Plan Book 738, Plan 120.

the land in Shrewsbury, Worcester County, Massachusetts, easterly of North Quinsigamond Avenue and northerly of Eagle Drive, shown as PARCEL B on a Plan entitled "Revised Plan of Land of Lot #147 and Open Area "O" on Eagle Drive," recorded in Plan Book 738, Plan 120, as recorded in the Worcester District Registry of Deeds.

This transfer is made subject to any and all taxes and assessments relating to these premises, past and present.

the land in Shrewsbury, Worcester County, Massachusetts, easterly of North Quinsigamond Avenue, being shown on a plan of land entitled "Ternberry Definitive Plan of land in the Town of Shrewsbury, Massachusetts, for First Shrewsbury Associates by Rizzo Associates, Inc. and Moore Survey and Mapping Corporation dated November 1989 revised through November 8, 1990 containing 12 sheets and approved December 6, 1990." Recorded with the Worcester District Registry of Deeds in Plan Book 645, Plan 3,

being the following parcels: “PARCEL A = 7,521.04 S.F.” “PARCEL B = 5,559.0 S.F.”, “PARCEL C” Area = 19,733.5 S.F.”

Planning Board report, 4 in favor, 0 opposed, 1 abstention, was read by moderator

***Article 15: Amend Zoning Bylaw
 Section VII.M
 Lakeway Overlay District**

VOTED UNANIMOUSLY a motion to amend the Zoning Bylaw by amending Section VII.M, Lakeway Overlay District by inserting the following after paragraph 5.a.3.

- b. Conversion of a one-family or two family dwelling for a permitted retail or office use, or for a combination of permitted retail, office and residential uses.

Planning Board unanimously recommends acceptance

Moderator Kevin T. Byrne recused himself from serving as moderator for Article 16.

VOTED a motion to appoint Town Counsel Atty. T. Philip Leader as moderator for Article 16.

***Article 16: Amend Zoning Bylaw
 Table I, Use Regulations
 Senior Housing**

VOTED UNANIMOUSLY a motion to amend the Zoning Bylaw by changing the designation for Senior Housing in Table I, Use Regulations, under the columns titled LB and CB, from SP-PB to N, and delete Footnote 24.

Planning Board unanimously recommends acceptance

***Article 17: Amend Zoning Bylaw
 Table I, Footnotes**

VOTED BY STANDING VOTE YES, 117; NO, 16 a substitute motion to amend the Zoning Bylaw, Section VI, Table I, Footnote 5, by deleting "...multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that:..." from the first paragraph and inserting in place thereof "multiple structures, excluding detached accessory structures, shall be separated by a minimum distance of fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet; and provided further that:".

and further amend the Zoning Bylaw, Section VI, Table I, Footnote 6, by deleting the last sentence "Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that:" from the first paragraph and inserting in place thereof "Buildings, excluding detached accessory structures, shall be separated by at least fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet, and provided further that:".

and further amend the Zoning Bylaw, Section VI, Table I, Footnote 23, by deleting the last sentence "Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that:" from the first paragraph and inserting in place thereof "Buildings, excluding detached accessory structures, shall be separated by at least fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet, and provided further that:".

Planning Board unanimously recommends acceptance

***Article 18: Amend Zoning Bylaw
 Aquifer Protection Overlay District**

VOTED UNANIMOUSLY a motion to amend the Zoning Bylaw by deleting Section VI, Subsection D, Aquifer Protection Overlay District, in its entirety and inserting in place thereof the following:

D. Aquifer Protection Overlay District:

1. Purpose

The purpose of this section is:

to promote and protect the public health, safety and welfare by protecting aquifers and recharge areas serving an existing or potential public water supply from contamination.

2. Applicability

For the purposes of this By-law, there are hereby established within the Town an Aquifer Protection Overlay District, consisting of aquifers and/or aquifer recharge areas, which is delineated on a map titled "Shrewsbury Aquifer Protection Overlay District"; prepared by the Town of Shrewsbury Engineering Department; and dated March 23, 2005. This map is hereby made a part of the Town of Shrewsbury's Zoning By-law and is on file in the Town Clerk's office.

The Aquifer Protection Overlay District shall be considered as overlying other zoning districts. Any area within the Aquifer Protection Overlay District is subject to the more restrictive designation of either the overlay district or the underlying district. Uses not permitted in the underlying districts shall not be permitted in the overlay districts.

Where the bounds of the Aquifer Protection Overlay District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located, based on the criteria stated above. Resolution of boundary disputes shall be through a Special Permit application to the Planning Board. At their own expense, property owners may engage a hydro geologist or other qualified professional to determine more accurately the location and extent of an aquifer or recharge area. In all cases, the determination of the location and extent of the Aquifer Protection Overlay District shall be based upon the criteria in this section. For parcels partially located in an Aquifer Protection Overlay District or split between two Zones, the provisions of Section III.D. of this By-law shall apply.

3. Definitions

"Aquifer" - A geologic formation that can store and transmit significant amounts of potable water.

"Commercial Fertilizer" – Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted in accordance with MGL c128 §64.

"Disposal" - The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Groundwater" - All the water beneath the surface of the ground.

"Hazardous Materials" - Any substance or combination of substances, including liquid petroleum products, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into, or on any land or water in this Town.

"Hazardous Waste" - Those substances listed in M.G.L. Ch 21C.

"Impervious Area" - Surface covered by materials or structures on or above the ground that severely limit the amount of precipitation that infiltrates the underlying soil, including but not limited to, asphalt, roofed buildings, etc.

"Process or Non-Sanitary Wastewater" - All non-sanitary wastewater, disposed on-site, other than stormwater runoff, including, but not limited to, any liquid wastes resulting from any process of industry or business.

"Recharge Area" - Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

"Sanitary Wastewater" - Water carrying putrescible waste arising from ordinary water use as from toilets, sinks, baths, dishwashers, washing machines etc. and containing such concentrations and types of pollutants as to be considered normal wastes as regulated by 310 CMR 15.00.

"Septage" – Means the liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. For the purposes of this Aquifer Protection Bylaw, the term septage does not include any material which is hazardous waste pursuant to 310 CMR 32.00.

"Sludge" – Means the solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. This residue does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

"Storage" – Means containment or stockpiling prior to or during selling or distributing or reuse, or offering for sale, distribution or use.

"Zone I" – Means the protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet.

"Zone II" – Means that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

"Zone III" – Means that land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

4. Permitted Uses

a) The following uses shall be permitted by right in Zone 1:

1. Conservation of soil, water, plants and wildlife.
2. Outdoor recreation, including boating, fishing, nature study and hunting where legally permitted.
3. Foot, bicycle and horse paths.
4. Normal operation, maintenance, expansion and treatment of existing water bodies and dams, splash boards, public water utilities and other water control, supply, or conservation devices, and the use and storage of chemicals accessory to said utilities.
5. Farming, gardening, nursery, forestry, harvesting and grazing use.
6. Repairs to septic systems made in accordance with a permit from the Board of Health.

b) The following uses shall be permitted by right in Zone 2:

1. All uses permitted in Zone 1, listed in Section 4 (a) 1-5.
2. Any residential or non-residential use permitted in the underlying zoning district, unless otherwise regulated by the provisions of this Section VI(K), provided that no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.
3. The alteration or expansion of residential uses existing on the effective date of this By-law, provided that such alteration or expansion shall not increase the total amount of impervious area to more than fifteen percent (15%) of the lot area or 2,500 square feet.
4. Installation or expansion of a septic system for disposal of sanitary wastes provided the required flows do not exceed 660 gallons per day on a lot. Greater flows shall require a land area of 10,000 square feet per 110 gallons of daily wastewater flow.

Repairs to septic systems made at the order of the Board of Health shall not be subject to the land area requirement unless there is an expansion of the system required by a greater flow.

5. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificial recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.

c) The following uses shall be permitted by right in Zone 3:

1. All uses permitted in Zone 1, listed in Section 4 (a), 1 to 5.
2. Uses permitted in Zone 2, listed in Section 4 (b) 2 and 3, provided that for residential and non-residential uses no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.
3. Installation, expansion or repair of a septic system for disposal of sanitary wastes, subject to the normal requirements of the Board of Health.

4. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificial recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.

5. Special Permit Uses

The following uses shall be permitted with the issuance of a Special Permit. The Special Permit Granting Authority for uses under this section shall be the Planning Board.

- a) The following uses are permitted with the issuance of a Special Permit in Zone 1:
 1. Filling, stockpiling or placement of earthen materials, whether for temporary storage or permanent use.
- b) The following uses are permitted with the issuance of a Special Permit in Zone 2:
 1. New residential uses with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet, or expansion of existing residential uses resulting in an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet.
 2. Non-residential uses, permitted in the underlying zoning district, which involve the above ground storage or use of hazardous materials.
 3. Filling, stockpiling or placement of earthen materials covering greater than 5,000 square feet of land area, or 500 cubic yards.
 4. Non-residential uses resulting in an impervious area greater than fifteen percent (15%) of the lot area or 2,500 square feet.
 5. Marine related service, repair and storage.
- c) The following uses are permitted with the issuance of a Special Permit in Zone 3:
 1. Uses permitted by Special Permit in Zone 2, listed in Section 5 (b) 1-5.
 2. Any use involving on-site disposal of process or non-sanitary wastes.
 3. Underground storage of hazardous materials.
 4. Auto-related service, repair and storage.
 5. Manufacturing or use of hazardous materials.
 6. Dumping of snow containing de-icing chemicals.

6. Prohibited Uses

- a) The following uses are prohibited in Zone 1:
 1. Disposal or processing of solid or hazardous waste, including, but not limited to, landfills, transfer stations, etc.
 2. Junkyard/salvage yard.

3. Septage lagoon or wastewater treatment plant.
4. Any use involving the manufacture, generation, storage or use of hazardous materials, including hazardous wastes.
5. On-site disposal of process or non-sanitary wastes except for installation or expansion of septic systems.
6. Underground storage of hazardous materials, including home heating fuel. No portion of a storage tank may be below the ground.
7. Application of road salt or other deicing chemicals to parking lots and travel ways containing five (5) or more parking spaces.
8. Dumping of snow containing deicing chemicals.
9. Storage of Sludge and Septage.
10. Any commercial or industrial development.
11. Non-residential applications of pesticides, herbicides or fertilizer.
12. Commercial earth removal.

b) The following uses are prohibited in Zone 2:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 1-4 and 6-9.
2. On-site disposal of process or non-sanitary wastewater.
3. Any use involving the manufacture of hazardous materials.

c) The following uses are prohibited in Zone 3:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 2, 3 and 9.
2. Underground storage of home heating fuel.
3. Disposal or processing of hazardous waste.

7. Design Criteria

All uses listed below, where permitted by this By-law, must meet the following standards when located within the Aquifer Protection Overlay District.

a) Earth Removal/Grading

Any earth removal or land disturbing activity within the overlay district may not be less than five feet above the maximum seasonal groundwater elevation, except in association with a valid building permit or disposal works construction permit. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

b) Filling

All fill material must be clean and free from hazardous materials, construction debris, and other material whose leachate would be a potential contamination hazard to ground or surface waters. The source of all potential fill must be reported in the Special Permit application.

c) Hazardous Material Storage

Hazardous materials stored above ground must be located on an impervious, chemical-resistant surface. The storage area must be equipped with a secondary containment system designed to prevent the material from reaching groundwater in the event of a leak or spill. The containment system must be able to contain 125% of the tank's contents.

d) Impervious Areas

For uses with impervious areas greater than that specified by this By-law, appropriate measures must be taken to insure that the increase in stormwater runoff (over that amount generated by a lot with the specified impervious area) must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

e) On-site Disposal of Non-Sanitary or Process Wastewater within Zone III

Any use involving on-site non-sanitary waste water disposal may not result in the lowering of groundwater quality at the down gradient property line below Massachusetts drinking water standards (314 CMR 6.00). If the ambient groundwater quality is already below these standards, the proposed use may not result in further degradation of groundwater quality. The Planning Board may require, as a Special Permit condition, means such as monitoring wells to insure that these standards are met.

f) Stormwater Management

All stormwater management facilities must be designed for the twenty-five (25) year storm and designed to insure that the rate of runoff leaving the site does not exceed the rate of runoff in the predevelopment state. Runoff from paved areas over one acre in size shall include facilities for trapping oil, gas and other contaminants before recharge into the ground. These facilities shall be maintained by the owner on an annual basis.

g) Underground Storage Tanks

All underground storage tanks must be constructed and installed and maintained in a manner which prevents groundwater contamination. No underground tank may be installed unless such tank:

1. Will prevent leakage due to corrosion or structural failure for the operational life of the tank;
2. Is lined with a material compatible with the substance to be stored; and
3. Complies with all state and local requirements for the composition and installation of underground tanks.

h) Storage of Deicing Chemicals

Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow shall be stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

i) Storage of Commercial Fertilizers

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

j) Storage of Animal Manures

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

8. Nonconforming Uses

Notwithstanding the provisions of Section IV of this By-law any use that is made nonconforming by the adoption of this Section may continue, provided, however, that any change, alteration, reconstruction, expansion or enlargement of such nonconforming use is subject to the issuance of a Special Permit by the Planning Board. Single and two-family dwellings are specifically exempt from the provisions of Section 8 Nonconforming Uses.

In considering Special Permit requests for expansion of nonconforming uses under this Section, the Planning Board shall not grant approval unless it finds that the proposed expansion will not be substantially more detrimental to groundwater supplies than the existing use.

9. Procedures for issuance of Special Permits

- a) Each application for a Special Permit under this Section shall be filed with the Town Clerk for transmittal to the Special Permit Granting Authority (Planning Board), and shall be accompanied by seven (7) copies of any supporting information and plans concerning the proposed use.
- b) The plan accompanying the Special Permit application shall be prepared by a Registered Professional Engineer and/or Professional Land Surveyor, as appropriate, and shall include: existing property boundaries existing and proposed topography, existing and proposed structures and buildings, all facilities for surface drainage and erosion control,

all impervious areas, and those areas left in a natural state.

The following shall also be submitted:

A complete list of all potentially toxic or hazardous material to be used, generated or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect from vandalism, corrosion, leakage and spills.

Analysis of the site conditions and potential impact of the proposed project by a qualified hydro geologist with proven experience in groundwater evaluation, if so required by the Planning Board.

- c) The Planning Board shall refer copies of the Special Permit application and any supporting materials to the Building Inspector, Board of Health, Conservation Commission, Town Engineer, Water Department, and any other Board or Department deemed appropriate. These persons and Boards shall review the application and submit their comments and recommendations to the Planning Board. Failure to respond in writing within thirty-five days of the referral of the application shall be deemed lack of opposition.
- d) The Planning Board shall hold a public hearing on the application, in conformity with the provisions of M.G.L. Ch 40A, within sixty-five days of the filing of the application.
- e) After the required notice and public hearing, and after consideration of the reports and recommendations of the Town Boards and Departments, the Planning Board may grant a Special Permit provided that it determines that the proposed use:

- (i) is in harmony with the purpose and intent of this By-law and will promote the purposes of the Aquifer Protection Overlay District;
 - (ii) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
 - (iii) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area; and
 - (iv) will not adversely affect an existing or potential public water supply. In making such determination, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed.
- f) In granting a Special Permit, the Planning Board may attach such conditions as they deem reasonable and appropriate in maintaining and enforcing the purpose and intent of this By-law, such as a performance bond, monitoring wells, conservation easements, etc.
- g) The applicant, for one or two-family dwellings, or a professional engineer for all other uses, must certify in writing to the Building Inspector that any and all Special Permit conditions have been complied with prior to the issuance of an occupancy permit for the use or structure.

and I further move that the Town amend the Zoning Bylaw, Section VI, Subsection D, Aquifer Protection Overlay District by replacing the “Shrewsbury Aquifer Protection Overlay District” map; dated February 21, 1988; prepared by Geologic Services Corporation with a new map entitled “Shrewsbury Aquifer Protection Overlay District”; prepared by the Town of Shrewsbury Engineering Department; and dated March 23, 2005.

Planning Board unanimously recommends acceptance

***Article 19: Driveway Easement
 33 Monadnock Drive**

VOTED UNANIMOUSLY a motion to authorize the Board of Selectmen to convey to Christopher D. Boehm and Lisa B. Krissoff Boehm under such terms and conditions deemed appropriate a driveway easement for the property located at 33 Monadnock Drive, over a portion of a certain parcel of land located in the Commonwealth of Massachusetts, County of Worcester, Town of Shrewsbury, situated on the westerly sideline of Monadnock Drive, and shown as Open Space Parcel on the recorded subdivision plan entitled “Definitive Subdivision Plan of Westview Estates in Shrewsbury, MA. Dated October 31, 1997, revised January 20, 1998, by H & R Survey” and recorded in Plan Book 725 Plan 16, Worcester Registry of Deeds more particularly bounded and described as follows:

BEGINNING at a point on the westerly sideline of Monadnock Drive, said point being the most southeasterly corner of the parcel fronting on Monadnock Drive and 11.24 feet northeast of a granite right-of-way boundary marker:

THENCE Northerly 20.00 feet by a curve to the right having a radius of 220.00 feet to a point;

THENCE N 81° 30’ 16” W, 102.56 feet to a point;

THENCE S 08° 29’ 44” W, 18.51 feet to a point;

THENCE S 81° 60’ 16” E, 95.00 feet to the point of BEGINNING

Said driveway easement contains 1,825 s.f. +/- of land.

***Article 20: Exchange of Land
 Centech Boulevard**

VOTED UNANIMOUSLY a motion to authorize the Board of Selectmen to petition the General Court to authorize the exchange of a land locked parcel acquired by the Town via tax title bounded and described as follows:

Beginning at the northeasterly corner of said parcel at a corner now or formerly of land of the Commonwealth of Massachusetts and at land now or formerly of the New England Power Company at the center of a stone bound, Thence running;

S 15°-38'-09" E by said land of the Commonwealth of Massachusetts a distance of seven hundred two and ninety-six hundredths (702.96)ft. to a corner, thence turning and running;

S 74°-58'-22" W by said land of the Commonwealth of Massachusetts a distance of three hundred thirty and eighty-nine hundredths (330.89) ft. to a corner at land now or formerly of the Worcester Business Development Corporation, thence turning and running;

N 29°-33'-41" W by said land of the Worcester Business Development Corporation a distance of six hundred twenty two and thirty four hundredths (622.34)ft. to a corner at land of New England Power Company, thence turning and running;

N 63°-08'-18" W by said land of New England Power Company a distance of four hundred ninety and two hundredths (490.02) ft. to the point of beginning.

Said parcel is comprised of 6.1663 plus or minus acres and is more particularly described on a plan entitled "Plan of land in the Town of Grafton and the Town of Shrewsbury, Worcester County, Owned by the Commonwealth of Massachusetts Prepared for the Division of Capital Asset Management & Maintenance, scale 1"=40 ft., March 30, 2005 Prepared by Bryant Associates, Inc.

for a parcel of land with frontage on Centech Boulevard, owned by the Worcester Business Development Corporation described as follows:

Being that parcel shown as "Lot 9-1" on a plan entitled "SUBDIVISION PLAN OF LAND SHOWING PROPOSED LOT 9-1, ASSESSORS MAP 49, LOTS 2 & 9, 140 GREEN ST., SHREWSBURY, MA OWNED BY CARL L. JR. & MARGARET M. HOOK" prepared by Chas. H. Sells, Inc. dated October 22, 2003, more particularly described as follows:

Starting at the Southwesterly corner of the remaining Hook property; thence along the land of New England Power Company the next two courses:

S 54° 12'07" W in two courses, a distance of seventy seven and 53/100 (77.53) feet and one hundred eleven and 70/100 (111.70) feet to land now or formerly Town of Shrewsbury; thence the following six courses being along land now or formerly Town of Shrewsbury:

N 29°41' 26" W a distance of eighty—six and 26/100 feet; thence:

N 29° 22' 29" W a distance of one hundred nine and 80/100 (109.80) feet; thence:

N 29 55' 13" W a distance of seventy eight and 62/100 (78.62) feet; thence:

N 39° 02'54" E in two courses, a distance of one hundred four and 55/100 (104.55) feet and one hundred fifteen and 18/100(115.18) feet; thence:

N 46° 46'45" E a distance of forty and 70/100 (40.70) feet to land now or formerly of Carl L. & Margaret M. Hook; thence along the remaining land of Hook the next three courses:

S 36° 59' 19" E a distance of sixth-eight and 32/100 (68.32) feet; thence:

S 53° 00' 41" W a distance of forty-one and 33/100 (41.33) feet; thence:

By a curve to the right with a radius of eight hundred forty eight and 10/100 (848.10) feet and an arc length of two hundred seventy-two and 98/100 (272.98) feet to land now or formerly of New England Power Company; to point of beginning.

Lot 9-1 containing approximately 65,794 square feet, more or less or 1.510 acres, more or less, according to said plan.

The above described easements are situated on land now or formerly of Carl L. and Margaret M. Hook as shown on the Plan. For title, see the deed from Carl L. Hook Jr. and Margaret M. Hook dated October 1, 1991 and recorded in the Worcester district Registry of Deeds in Book 13674 Page 235. See also the estate of Margaret M. Hook Worcester probate court No. 00P1328.

***Article 21: Easement for Water Service
Centech East**

VOTED UNANIMOUSLY a motion to authorize the Board of Selectmen to accept or release any easements or real property from the Commonwealth of Massachusetts-Division of Capital Asset Management, Grafton Water District and Worcester Business Development Corporation, pursuant to the provisions of General Laws Chapter 40, Section 3, for the purpose of supplying water to the Town of Shrewsbury, as approved at the Grafton Annual Water District Meeting, under Article 5, of the April 27, 1999 meeting.

**Article 22: Establish Historic Commission
MGL Ch. 40, Section 8D**

VOTED a motion to end debate and vote the printed motion.

VOTED a motion to accept the provisions of Massachusetts General Laws Chapter 40, Section 8D for the purpose of establishing a Historic Commission.

Finance Committee does not recommend acceptance
Board of Selectmen 3 opposed; 2 in favor

***Article 23: Shrewsbury Public Library
Construction Grant**

VOTED a motion to authorize the Library Trustees of the Shrewsbury Public Library to apply for, accept, and expend any state grants which may be available for the project and to accept the preliminary design for the Shrewsbury Public Library building.

***Article 24: MGL Chapter 32, Section 89B
Annuities to Dependents of Police & Firefighters**

VOTED a motion to accept the provisions of General Laws Chapter 32, Section 89B which provides for annuities to dependents of police officers or firefighters killed in performance of duty.

***Article 25: Representative Town Meeting
Amend Section 10 of Ch. 553 of the Acts of 1953**

VOTED a motion to authorize the Board of Selectmen to file the following petition with the General Court:

AN ACT RELATIVE TO THE MEMBERSHIP OF THE REPRESENTATIVE TOWN MEETING IN THE TOWN OF SHREWSBURY

Section 10 of Chapter 553 of the Acts of 1953 is amended by striking out said Section 10 and inserting in place the following:

"Section 10. Members-At-Large. - The Chairman of the Board of Selectmen and the Chairman of the Finance Committee shall be members-at-large of the town meeting."

***Article 26 Ground Lease
 51 Hartford Turnpike**

VOTED UNANIMOUSLY a motion to authorize the Board of Selectmen to file the following petition with the General Court:

AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO LEASE CERTAIN LAND.

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Shrewsbury acting by and through its Board of Selectmen, may enter into long-term ground lease for a term not to exceed 20 years for the parcel of town-owned land located at 51 Hartford Turnpike, Plate 57, Lot 50. Such lease shall be subject to section 16 of chapter 30B of the General Laws except that a lease with the Shrewsbury Corporation shall be exempt from said section 16 of said chapter 30B as provided in section 5 of chapter 493 of the acts of 2002. Such leases may provide that the lessee shall be responsible for the design, development, construction and maintenance of improvements to the site as outlined in the lease agreement.

SECTION 2. This act shall take effect upon its passage.

***Article 27: Amend General By-Laws
 Annual Town Election**

VOTED a motion to amend Section 1 of Article 2 of the General By-Laws of the Town of Shrewsbury by deleting the phrase "first Monday of May" and inserting in place the phrase "first Tuesday in May".

***Article 28: Westborough Treatment Plant
 Agreement Between Towns**

VOTED a motion to authorize the Selectmen to petition the Massachusetts General Court to enact special legislation to amend Chapter 503 of the Acts of 1954 and to amend Chapter 412 of the Acts of 1979 for purposes of (i) authorizing the town and the Town of Westborough to amend the agreement between the two towns, dated September 11, 1979 and entitled "Agreement for the Construction and Operation of the Westborough Treatment Plant," to include a provision whereby the design flow capacity of the treatment plant shall be allocated between the two towns as mutually agreed upon; (ii) authorizing the Town to adopt sewer regulations or bylaws whereby the design flow capacity allocated to the Town may be further allocated and reserved for various types of uses or developments within the town, said allocations and reservations to be pursuant to the engineering report entitled "Wastewater Allocation Study" completed by Fay, Spofford & Thorndike Engineers, Inc., dated March 2005; and (iii) to provide that, notwithstanding section three of chapter eighty-three of the General Laws or any special or general law to the contrary, the town's sewer commission shall not be required to connect any home, facility or lot to the Town's sewer system.

***Article 29: Disposal of Solid Waste**

VOTED a motion to authorize the Board of Selectmen to enter into a contract for the disposal of solid waste pursuant to General Laws Chapter 30B, Section 12 (f), for a term, not to exceed twenty years.

**Article 30: Purchase Ladder Truck
 Fire Department**

DEFEATED UNANIMOUSLY a motion to raise and appropriate the sum of \$775,000.00 for the purpose of purchasing an aerial platform truck with related

equipment and appurtenances for the Fire Department.

Finance Committee unanimously recommends defeat

***Article 31: Construct Surface Drains**

VOTED UNANIMOUSLY a motion to authorize the Selectmen to construct storm drains in public ways and to acquire by eminent domain or otherwise all such easements as may be necessary or appropriate in connection therewith, and the sum of \$100,000 be raised and appropriated to pay for such easements and the construction of such drains including engineering and other expenses incidental thereto.

Article 32: Sidewalks and Curbs

DEFEATED UNANIMOUSLY a motion to authorize the Selectmen to construct, reconstruct, repair and maintain sidewalks and curbing and to acquire by eminent domain or otherwise all such easements as may be necessary or appropriate in connection therewith, and the sum of \$1.00 be raised and appropriated to pay for such easements and the construction of such drains including engineering and other expenses incidental thereto.

Finance Committee recommends defeat
Board of Selectmen recommends` defeat

***Article 33: Improve Sewer System**

VOTED UNANIMOUSLY a motion to raise and appropriate the sum of \$300,000 for laying out and constructing a system of main drains, common sewers, sub-drains, connections and other works as may be required for a system of sewerage, including acquiring all land or easements which may be necessary in connection therewith which may be authorized by Chapter 502 of the Acts of 1954 as amended.

***Article 34: Hill Street Sewer Lift Station**

VOTED UNANIMOUSLY a motion to transfer \$300,000.00 from the Sewer Surplus Account to fund improvements and repairs to the Hill Street Sewer Lift Station and related appurtenances.

***Article 35: Cherry Street Sewer Lift Station**

VOTED a motion to transfer \$50,000.00 from the Sewer Surplus Account to fund improvements, replacement and repairs to the Cherry Street Sewer Lift Station, associated pressure sewer line and related appurtenances.

***Article 36: Holden Street, Grafton Street & Reservoir Street
Repair Culverts**

VOTED UNANIMOUSLY a motion that the Selectmen be authorized to construct, reconstruct, repair and improve culverts and related appurtenances on Holden Street, Grafton Street, and Reservoir Street and to acquire by eminent domain or otherwise all such easements as may be necessary or appropriate in connection therewith, and the sum of \$300,000.00 be transferred from the improvement of public ways account to pay for such easements and the construction, reconstruction, repair and improvement of such culverts and related appurtenances including engineering and other expenses incidental thereto.

***Article 37: Comprehensive Wastewater Management Plan
Assabet River**

VOTED a motion to transfer \$100,000.00 from the Sewer Surplus Account to fund all costs associated with a Comprehensive Wastewater Management Plan/Environmental Impact Report and an associated Sediment and Dam Removal Study for the Assabet River.

***Article 38: Water System Improvements**

VOTED UNANIMOUSLY the motion as stated to raise and appropriate the sum of \$538,000 for the improvement of the water system including extension, relocation and relaying of water mains and replacement or improvement of water system appurtenances, buildings and equipment including the construction of new buildings and facilities and/or expansion and renovation of existing buildings and facilities and authorize the Board of Selectmen to acquire by gift, purchase or by eminent domain land or easements in connection therewith.

***Article 39 Land Purchase
Boylston Street**

VOTED a motion to end debate and vote the substitute printed motion.

VOTED UNANIMOUSLY the substitute motion to authorize the Board of Selectmen to purchase under such terms and conditions deemed appropriate for Municipal purposes a parcel of land located approximately 300 feet on westerly side of Boylston Street (Route 140) and approximately 300 feet northerly of Main Street and presently owned by William L. and Ellen S. Glascock, for municipal purposes, containing 15,017 sq. ft. more or less and is bounded and described as follows:

BEGINNING at the northwesterly corner of said parcel at a stone wall, said point being at land now or formerly of Town of Shrewsbury;

THENCE S 20°45' 07" E, 76.25 feet by land now or formerly of 555 Main St Shrewsbury LLC. to a point;

THENCE S 21°44' 26" E, 5.71 feet by land now or formerly of said 555 Main St Shrewsbury LLC. to a point;

THENCE N 78°48' 37" E, 107.36 feet to a point;

THENCE N 59°24' 01" E, 62.60 feet to a point at land now or formerly of Town of Shrewsbury;

THENCE N 59°08' 01" W, 18.86 feet a point;

THENCE N 13°34' 03" W, 77.00 feet to a point;

THENCE S 68°31' 17" W, 165.57 feet to the point of beginning.

The preceding three (3) courses being by land now or formerly of Town of Shrewsbury, and to fund this purchase the sum of \$170,000 be transferred from the Stabilization Fund.

***Article 40: Rescind Bond Authorization
Rt. 20 Land Purchase**

VOTED a motion to rescind the bond authorization made under Article 33 of the May 19, 2004 Annual Town Meeting.

***Article 41: Donahue Rowing Center
Revolving Fund**

VOTED a motion that a revolving fund be established under the provisions of Chapter 44, Section 53E ½ of the General Laws for the operation and maintenance of the Donahue Rowing Center. All receipts for the use of this facility and those received by the Town during prior fiscal years shall be credited to the fund. Expenditures shall be made by the Park and Cemetery Commission upon approval by the Town Manager. Expenditures for Fiscal 2006 shall not exceed \$200,000.00

***Article 42: Council on Aging Bus
Revolving Fund**

VOTED a motion that a revolving fund be established under the provisions of Chapter 44, Section 53E ½ of the General Laws for the operation and maintenance of the bus operated by the Council on Aging. All receipts paid to the Council on Aging by users of the bus and those received by the Town during prior fiscal years shall be credited to the fund. Expenditures shall be made by the Council on Aging upon approval by the Town Manager. Expenditures for Fiscal 2006 shall not exceed \$75,000.00.

***Article 43: Counseling and Educational Services**

VOTED a motion to raise and appropriate the sum of \$80,000.00 for counseling and educational services to families.

***Article 44: Highway Department Funds**

VOTED a motion to accept from the Commonwealth of Massachusetts \$508,066 under the provisions of Chapter 246 of the Acts of 2002 and transfer said funds to the Highway Department.

***Article 45: Accept Sum of Money from CATV**

VOTED a motion as stated to accept a sum of \$430,056 from the Municipal Light Department CATV division and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2006.

***Article 46: Municipal Light Department
In Lieu of Taxes**

VOTED a motion as stated to accept a sum of \$121,995 from the Municipal Light Department in lieu of taxes, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2006.

***Article 47: Transfer Funds to Board of Assessors**

VOTED a motion to transfer the sum of \$500,000 from Free Cash and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for Fiscal 2006.

Adjournment:

VOTED to adjourn at 10:40 P.M.

ATTEST:

Ann M. Dagle
Town Clerk